

1 WILLIAM L. STERN (CA SBN 96105)
2 GEOFFREY R. PITTMAN (BAR NO. 253876)
3 MORRISON & FOERSTER LLP
4 425 Market Street
5 San Francisco, California 94105-2482
6 Telephone: 415.268.7000
7 Facsimile: 415.268.7522
8 E-mail: wstern@mofo.com

9 TERESA N. BURLISON (CA SBN 230854)
10 Email: TBurlison@mofo.com
11 MORRISON & FOERSTER LLP
12 755 Page Mill Road
13 Palo Alto, California 94304-1018
14 Telephone: 650.813.5600

15 Attorneys for Defendant
16 GAP INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 JOEL RUIZ, On Behalf of Himself and All Others
16 Similarly Situated,

17 Plaintiff,

18 v.

19 GAP, INC., and VANGENT, INC.,

20 Defendants.
21
22
23

Case No. C 07-5739 SC

**DECLARATION OF WILLIAM L.
STERN IN SUPPORT OF GAP,
INC.'S MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

Date: March 20, 2009
Time: 10:00 a.m.
Room: Courtroom 1, 17th Floor
Judge: Hon. Samuel Conti

Complaint filed: November 13, 2007

24
25 I, William L. Stern, declare as follows:

26 1. I am a partner in the law firm of Morrison & Foerster, LLP, attorneys for
27 defendant GAP Inc. The facts contained in this declaration are personally known to me in that
28 capacity.

2. Attached as Exhibit A are true and correct copies of pages 10-11, 22-23, 25, 32, 37-39, 52-62, 68-69, 73, 81, 88, 113, 116-119, and 125-126 to the deposition of Joel Ruiz. I attended that deposition and, to the best of my recollection, the questions asked and the answers given as shown in Exhibit A are an accurate account of the proceedings.

3. Attached as Exhibit B are true and correct copies of pages 87-89, 95-96, and 125-126 to the deposition of GAP's Keith White. I attended that deposition and, to the best of my recollection, the questions asked and the answers given as shown in Exhibit B are an accurate account of the proceedings.

4. Attached as Exhibit C is a true and correct copy of the notification letter that Mr. Ruiz testified in deposition he received from GAP. Exhibit C was marked as deposition exhibit 2 to Mr. Ruiz's deposition, and he authenticated it at page 25, which page is found as part of Exhibit A hereto.

5. Attached as Exhibit D is a true and correct copy of Plaintiff's Objections and Responses to Def. GAP Inc.'s First Set of Interrogatories, which this office received in the ordinary course of business on June 9, 2008.

6. Attached as Exhibit E is a true and correct copy of page 240 to the deposition of Vangent's Andre Allen.

7. Attached as Exhibit F are true and correct copies of pages 70-71 to the deposition of GAP's Mark Witkower. I attended that deposition and, to the best of my recollection, the questions asked and the answers given as shown in Exhibit F are an accurate account of the proceedings.

8. Plaintiff Ruiz has taken extensive discovery in this case. He propounded interrogatories and requests for admission, to which GAP responded. GAP produced 15,331 pages of discovery. Ruiz took three depositions of GAP officials (Keith White, Bill Chandler, and Mark Witkower), and has taken substantial discovery from Vangent. Before amending to add Vangent, Ruiz served a subpoena *duces tecum* on Vangent. Vangent produced about 15,000 pages of documents. In September 2008, Ruiz took two day-long depositions of Vangent employees.

1 I declare under penalty of perjury that the foregoing is true and correct and that I am
2 competent to testify to the facts contained in this declaration if called as a witness.

3 Executed on February 11, 2009, in New York, New York.

4
5 /s/ William L. Stern

6 William L. Stern
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28